



Bureau of TennCare

Policy Manual

Policy No: HIP 06-009	
Subject: Enrollee Access to PHI	
Approval: <i>Darius J. Gordon 5/2/06</i>	Date: <i>9/1/06</i>

PURPOSE OF POLICY

This policy addresses how the Bureau of TennCare (the Bureau) will provide for an enrollee's right to access his or her Protected Health Information (PHI). This right is required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

POLICY

The Bureau of TennCare will timely respond to enrollee requests for access or to obtain a copy of his or her Protected Health Information. The Bureau of TennCare will let enrollees have all privacy rights granted by HIPAA and any state or federal regulations.

DISCUSSION & LEGAL BASIS

HIPAA gives enrollees the right of access to inspect and/or copy their PHI in the Bureau's Designated Record Set. The Designated Record Set has facts about enrollment, claims, payment and case management. It has any facts used or received about an enrollee's treatment. It has facts used to make benefit decisions.

A person that is a personal representative of an enrollee may exercise the rights of the enrollee, including the right to inspect and/or copy PHI about the enrollee that is relevant to such person's representation. The personal representative must submit the authorizing document(s) to the Bureau prior to the release of enrollee PHI.

PROCEDURE

1. The Privacy Officer or designee shall be responsible for receiving and processing requests for access.
2. TennCare may require enrollees to make this request in writing. (see form "Request for Enrollee Access to PHI." If there is a personal representative he or she must submit the authorizing document(s) to the Bureau prior to the release of enrollee PHI.
3. TennCare will respond within 30 days for on site PHI.
4. TennCare will act on the request within 60 days for off site PHI.
5. For any delay, or denial whether whole or in part, the enrollee will be sent a letter.
6. TennCare may provide a summary in lieu of providing access.
7. TennCare may charge a fee for copying records
8. A copy of the request will be kept in the TennCare Privacy Office for the period of time required by HIPAA, or the State of Tennessee's retention policy.

DEFINITIONS

Designated Record Set: Medical records, financial records, health plan and other information used to make decisions about an individual.

Enrollee: means those currently enrolled in all categories of TennCare Medicaid and TennCare Standard; or, an individual eligible for and enrolled in the TennCare Program or in any Tennessee federal Medicaid waiver program pursuant to Sections 1115 or 1915 of the Social Security Act; or, for purposes of the Bureau Privacy policies, the term may also be used to reference one who was previously an enrollee during a period for which there is a privacy request or compliance inquiry.

HIPAA: means Health Insurance Portability and Accountability Act of 1996 and for which administrative simplification, privacy, and security regulations are codified at 45 CFR §§ 160-164.

Personal Representative: means an individual or entity legally authorized to act on behalf of the individual enrollee.

Protected Health Information (PHI): means information about an individual's health and medical history. PHI can also include non-medical facts like address or date of birth, which identify an individual.

OFFICES OF PRIMARY RESPONSIBILITY

TennCare Privacy Officer, Office of General Counsel

RELATED FORMS

Request for Enrollee Access to PHI

REFERENCES

45 C.F.R. § 164.524